



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

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### Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)

#### Conclusion of the public hearings

#### Court to begin its deliberation

THE HAGUE, 21 March 2012. The public hearings in the case concerning Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal) were concluded today. The Court will now begin its deliberation.

During the hearings, which opened on Monday 12 March 2012 at the Peace Palace, seat of the Court, the delegation of the Kingdom of Belgium was led by Mr. Paul Rietjens, Director-General of Legal Affairs, Federal Public Service for Foreign Affairs, Foreign Trade and Development Co-operation, as Agent; and the delegation of the Republic of Senegal was led by H.E. Mr. Cheikh Tidiane Thiam, Professor, Ambassador, Director-General of Legal and Consular Affairs, Ministry of Foreign Affairs, as Agent.

The Court's Judgment will be rendered at a public sitting, the date of which will be announced in due course.

#### Final submissions of the Parties

At the end of the oral proceedings, the Parties presented the following final submissions to the Court:

#### For the Kingdom of Belgium:

"For the reasons set out in its Memorial and during the oral proceedings, the Kingdom of Belgium requests the International Court of Justice to adjudge and declare that:

1. (a) Senegal breached its international obligations by failing to incorporate in due time in its domestic law the provisions necessary to enable the Senegalese judicial authorities to exercise the universal jurisdiction provided for in Article 5, paragraph 2, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (b) Senegal has breached and continues to breach its international obligations under Article 6, paragraph 2, and Article 7, paragraph 1, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and under other rules of international law by failing to bring criminal proceedings against Mr. Hissène Habré for acts characterized in

particular as crimes of torture, war crimes, crimes against humanity and crimes of genocide alleged against him as perpetrator, co-perpetrator or accomplice, or, otherwise, to extradite him to Belgium for the purposes of such criminal proceedings;

- (c) Senegal may not invoke financial or other difficulties to justify the breaches of its international obligations.
2. Senegal is required to cease these internationally wrongful acts
- (a) by promptly submitting the Hissène Habré case to its competent authorities for prosecution; or
  - (b) failing that, by extraditing Mr. Habré to Belgium without further ado.”

For the Republic of Senegal:

“In the light of all the arguments and reasons contained in its Counter-Memorial, in its oral pleadings and in the replies to the questions put to it by judges, whereby Senegal has declared and sought to demonstrate that, in the present case, it has duly fulfilled its international commitments and has not committed any internationally wrongful act, I would ask the Court, on behalf of my country, to find in its favour on the following submissions and to adjudge and declare that:

1. Principally, it cannot adjudicate on the merits of the Application filed by the Kingdom of Belgium because it lacks jurisdiction as a result of the absence of a dispute between Belgium and Senegal, and the inadmissibility of that Application;
2. In the alternative, should it find that it has jurisdiction and that Belgium’s Application is admissible, that Senegal has not breached any of the provisions of the 1984 Convention against Torture, in particular those prescribing the obligation to ‘try or extradite’ (Article 6, paragraph 2, and Article 7, paragraph 1, of the Convention), or, more generally, any other rule of conventional law, general international law or customary international law in this area;
3. In taking the various measures that have been described, Senegal is fulfilling its commitments as a State Party to the 1984 Convention against Torture;
4. In taking the appropriate measures and steps to prepare for the trial of Mr. H. Habré, Senegal is complying with the declaration by which it made a commitment before the Court.
5. It consequently rejects all the requests set forth in the Application of the Kingdom of Belgium.”

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Internal Judicial Practice of the Court with respect to deliberations

Deliberations take place in private in accordance with the following procedure: the Court first holds a preliminary discussion, during which the President outlines the issues which require discussion and decision by the Court. Each judge then prepares a written Note setting out his or her views on the case. Each Note is distributed to the other judges. A full deliberation is then held, at the end of which, on the basis of the views expressed, a drafting committee is chosen by secret ballot. That committee consists in principle of two judges holding the majority view of the Court, together with the President, unless it appears that his views are in the minority. The committee prepares a draft text, which is first the subject of written amendments and then goes through two

readings. In the meantime, judges who wish to do so may prepare a declaration, a separate opinion or a dissenting opinion. The final vote is taken after adoption of the final text of the Judgment at the second reading.

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Note: The Court's press releases do not constitute official documents. The complete verbatim records of the hearings held from 12 to 21 March 2012 are published on the website of the Court ([www.icj-cij.org](http://www.icj-cij.org)).

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The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. It is assisted by a Registry, its international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an independent judicial body composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), or the Permanent Court of Arbitration (PCA, an institution founded in 1899, which is independent of the United Nations).

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